IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1367 OF 2006
IN
CRIMINAL APPEAL NO.1285 OF 2006

Mr.Vinod Uttam Kamble .. Applicant
V/s
The State of Maharashtra .. Respondent

Mr.Dilip Bodake for the Applicant.
Mrs.S.D.Shinde, APP for Respondent-State.

CORAM : DR.S.RADHAKRISHNAN, &
SMT.R.S.DALVI, JJ.

DATE : 18th July, 2007.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned APP for the Respondent. By this application the Applicant-original accused No.2 has prayed for a bail. The Appeal has already been admitted. The only eye-witness statement in the matter is that of P.W.No.3 and the P.W.No.3 in paragraph No.8 of his evidence has categorically admitted that in the police statement he has not stated that he looked behind and saw that the accused Nos.1, 2 and 3 were assaulting Raju Bhosale. In view of the aforesaid serious omission, the evidence of P.W.No.3 cannot be relied upon, and the doubt is created about the evidence of P.W.No.3.

2. Under these circumstances, the Applicant is granted bail in the sum of Rs.10,000/- and the surety in the like amount. The trial Court to release the Applicant (original Accused No.2) on his furnishing a cash bail amount of Rs.10,000/- and the surety in the like amount.

The Applicant to execute the Bail Bond and the Surety bond before the Trial Court.

3. The Applicant Accused is also directed to report to the local police station once in a month, regularly. In case of any default to report to the police station, the Applicant shall be arrested forthwith.

(SMT.R.S.DALVI, J.) **(DR.S.RADHAKRISHNAN,J.)**